

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Pressview Avenue (503) – Justin King, applicant; Request for a side street setback variance from 25 feet to 15 feet for a proposed fence in R1AA (Single Family Dwelling District).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

**Agenda Date** 7/23/07 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **DENY** the request for a side street setback variance from 25 feet to 15 feet for a proposed fence in R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for a side street setback variance from 25 feet to 15 feet for a proposed fence in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<p>Applicant: Justin King</p> <p>Location: 503 Pressview Avenue</p> <p>Zoning: R-1AA (Single Family Dwelling District)</p> <p>Subdivision: Sanlando Country Club Estates</p>
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is proposing to construct a fence around a new single family home that would encroach 10 feet into the required 25-foot side street setback.</li> <li>• Since the house is nearing completion, the applicant has provided photographs that show one fence panel in place and in context with the new home, North Street and the existing tree line.</li> <li>• Traffic Engineering has reviewed this request and finds no issue with traffic safety.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>

<b>STAFF FINDINGS</b>	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"><li>• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.</li><li>• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.</li><li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none"><li>• Any variance granted shall apply only to the fence as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.</li></ul>

**INDEX OF ATTACHMENTS**

*Items that are checked are included in the packet*

- ☒ Staff Report
- ☒ Application
- ☐ Applicant statement of request
- ☒ Proposed Site Plan
- ☒ Location map
- ☒ Property Appraiser data sheet
- ☐ PUD Commitment Card, *if applicable*

**Support information:**

- ☐ Proposed elevation drawings, renderings, floor plans, etc
- ☐ Aerials, *if warranted*
- ☐ Plat, *if warranted*
- ☐ Code Enforcement information
- ☐ Building Permit information
- ☐ Correspondence
- ☐ Authorization letter
- ☐ Supporting documentation
- ☐ Letters of support
- ☐ HOA approval letter
- ☒ Pictures provided by applicant
- ☐ Other miscellaneous documents
  
- ☒ Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

**COPY**Application # BV 2007-71  
Meeting Date 7-23-07

# VARIANCE APPLICATION

## SEMINOLE COUNTY PLANNING DIVISION

RECEIVED MAY 31 2007  
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Justin King  
 Address: 465 Victoria Terrace City: Alt Springs Zip code: 32701  
 Project Address: 503 Pressurew (North) City: Longwood Zip code: 32750  
 Contact number(s): 407-923-0668 (cell) 407-478-1787 (office)  
 Email address: justin@healthedgestaffing.com

Is the property available for inspection without an appointment? ☒ Yes ☐ No**What type of structure is this request for?**

<input type="checkbox"/> Shed	Please describe:
<input checked="" type="checkbox"/> Fence	Please describe: <u>6ft Board on Board along R Property</u>
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED MAY 31 2007

RECEIVED MAY 31 2007

**What type of variance is this request?**

<input type="checkbox"/> Minimum lot size	Required lot size:	Actual lot size:
<input type="checkbox"/> Width at the building line	Required lot width:	Actual lot width:
<input type="checkbox"/> Front yard setback	Required setback:	Proposed setback:
<input type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:
<input type="checkbox"/> Side yard setback	Required setback:	Proposed setback:
<input checked="" type="checkbox"/> Side street setback	Required setback:	Proposed setback:
<input type="checkbox"/> Fence height	Required height:	Proposed height:
<input type="checkbox"/> Building height	Required height:	Proposed height:

Use below for additional yard setback variance requests:

<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:

☒ Total number of variances requested 1

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance Application and submittal checklist are provided to the planning division.

Signed: Justin King5/31/07

**FOR OFFICE USE ONLY**Date Submitted: 5-31-07Reviewed By: P. JohnsonTax parcel number: 01-21-29-508-0A00-0010Zoning/FLU R-1AA / LOR☐ Legally created parcel (1971 tax roll, 5-acre dev, lot split)☐ Platted Lot (check easements as shown on lots, in notes or in dedication)☐ Lot size \_\_\_\_\_ ☐ Meets minimum size and width☐ Application and checklist complete

Notes: \_\_\_\_\_

**VARIANCE SUBMITTAL CHECKLIST**Please return this checklist with your application!

After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

1. Completed application.

2. Owner's authorization letter (if needed). This form can be obtained at <http://www.seminolecountyfl.gov/pd/planning/forms.asp>

3. Provide a legible 8 1/2 x 11 inch site plan with the following information

**NOTE: Please use your property survey for your site plan, if available.****See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.**

o Please start with a clean survey (ex: white out old approval stamps)

o Size and dimension of the parcel

o Location and name of all abutting streets

o Location of driveways

o Location, size and type of any septic systems, drainfield and wells

o Location of all easements

o Existing or proposed house or addition  
(Label existing, label proposed, and include square footage and dimensions of each)o Existing and/or proposed buildings, structures and improvements  
(Label existing, label proposed, and include square footage and dimension of each)

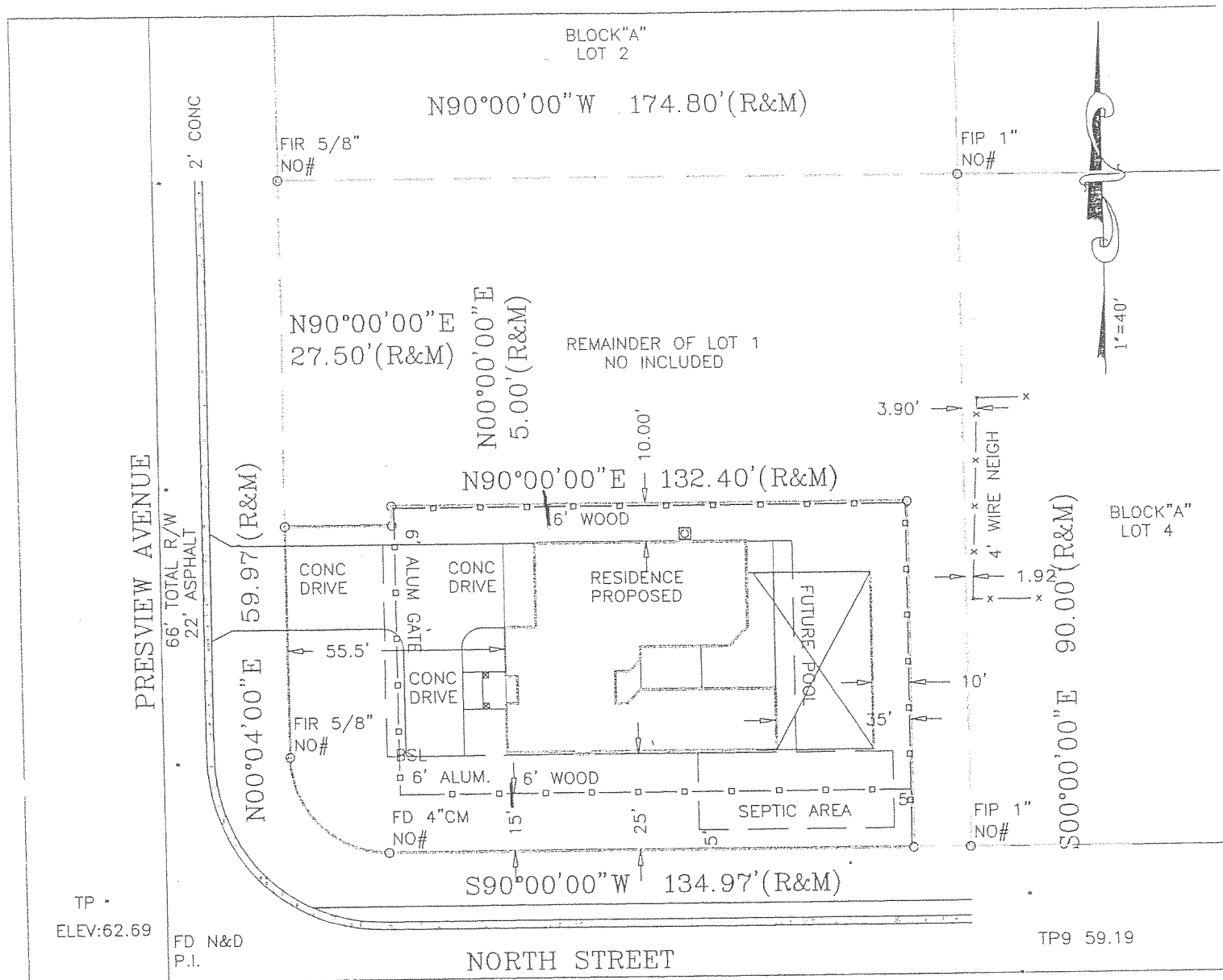
o Building height

o Setbacks from each building to the property lines

o Location of proposed fence(s)

o Identification of available utilities  
(ex: water, sewer, well or septic)

4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.



R=25.00'(R)  
 L=39.30'(R)  
 Tan=25.03'  
 $\Delta=90^{\circ}04'00''$   
 Ch.Brg.S44°58'00"E  
 Ch.35.38'

## SITE PLAN

### LEGAL DESCRIPTION:

LOT 1, BLOCK A, SANLANDO COUNTRY CLUB ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 55, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

LESS

A PORTION OF LOT 1, BLOCK A, SANLANDO COUNTRY CLUB ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 55, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, SANLANDO COUNTRY CLUB ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 55, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF PRESSVIEW AVENUE; THENCE DEPARTING SAID RIGHT OF WAY RUN EAST ALONG THE NORTHERLY LINE OF SAID LOT 1 A DISTANCE OF 174.80 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE RUN SOUTH ALONG THE EASTERLY LINE OF SAID LOT 1 A DISTANCE OF 175.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 AND THE NORTHERLY RIGHT-OF-WAY LINE OF NORTH STREET; THENCE RUN WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF NORTH STREET A DISTANCE OF 15.00 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE RUN NORTH PARALLEL TO THE EAST LINE OF SAID LOT 1 A DISTANCE OF 90.00 FEET; THENCE RUN WEST A DISTANCE OF 132.40 FEET; THENCE RUN SOUTH 5.00 FEET; THENCE RUN WEST A DISTANCE OF 27.50 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF PRESSVIEW AVENUE; THENCE RUN NORTH 00°04'00" EAST ALONG SAID EASTERLY RIGHT AND THE WEST LINE OF SAID LOT 1 A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING.

(R) RECORD  
 (M) MEASURED  
 A/C AIR

UE UTILITY EASEMENT  
 DUE DRAINAGE & UTILITY EASEMENT  
 R/W RIGHT-OF-WAY

FIP FOUND IRON PIPE  
 FIR FOUND IRON ROD  
 FN/D FOUND NAIL/DISK

NEIGH NEIGHBORING PROPERTY  
 OUR SUBJECT PROPERTY  
 CHW OVERHEAD WIRES

X — X — X WIRE FENCE  
 □ — □ — □ WOOD FENCE

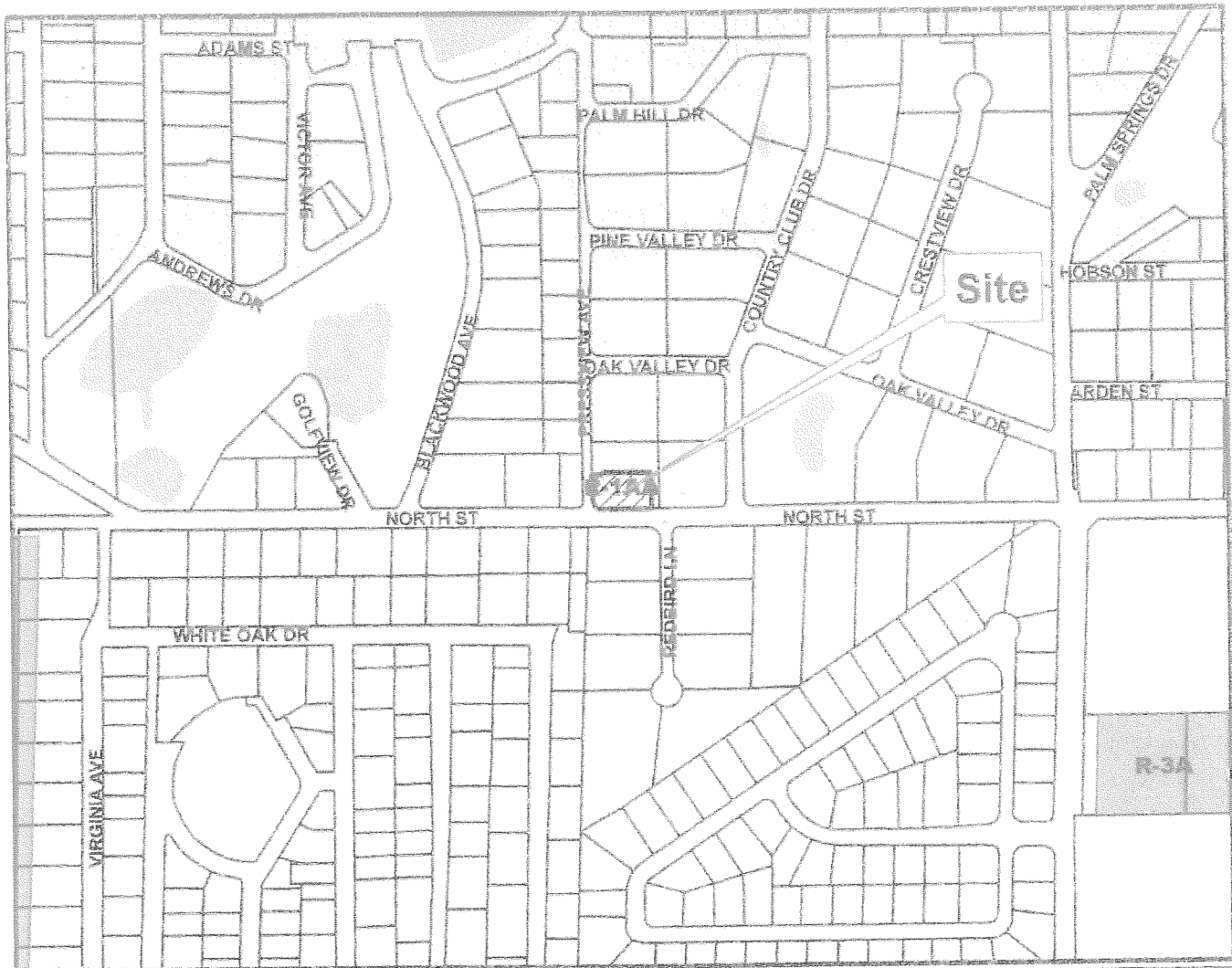
CONCRETE

DWG  
 REC

CHK





Justin King

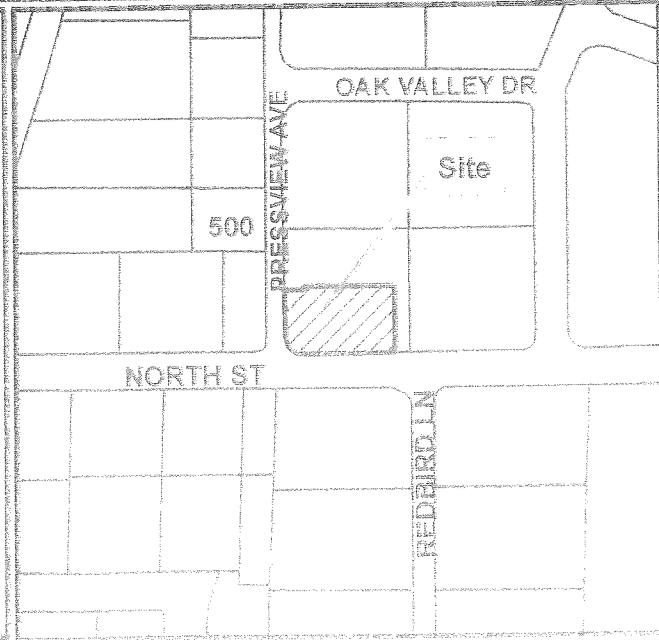
PT OF LOT 1 DESC AS BEG 90 FT S OF NW COR RUN S 59.97 FT SELY ALONG CURVE 39.30 FT E 134.97 FT N 90 FT  
W 132.40 FT S 5 FT W 27.50 FT TO BEG SANLANDO COUNTRY CLUB ESTATES  
Longwood, Florida 32750



Seminole County Board of Adjustment  
July 23, 2007  
Case: BV2007-71 (Map 3155, Grid E2)  
Parcel No: 01-21-29-508-0A00-0010

Zoning

-  BV2007-71
-  RC-1
-  R-1AA
-  R-3A



<b>PARCEL DETAIL</b>  DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508																																																										
<b>GENERAL</b> Parcel Id: 01-21-29-508-0A00-0010 Owner: KING JUSTIN A Mailing Address: 965 VICTORIA TER City,State,ZipCode: ALTAMONTE SPRINGS FL 32701 Property Address: NORTH & PRESSVIEW Subdivision Name: SANLANDO COUNTRY CLUB ESTATES Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL		<b>2007 WORKING VALUE SUMMARY</b> Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$80,000 Land Value Ag: \$0 Just/Market Value: \$80,000 Assessed Value (SOH): \$80,000 Exempt Value: \$0 Taxable Value: \$80,000 Tax Estimator																																																								
<b>SALES</b> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>01/2007</td> <td>06561</td> <td>1889</td> <td>\$115,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/2006</td> <td>06330</td> <td>1666</td> <td>\$229,900</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/2005</td> <td>05966</td> <td>1953</td> <td>\$162,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/2003</td> <td>05100</td> <td>1212</td> <td>\$94,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/2002</td> <td>04692</td> <td>0152</td> <td>\$74,200</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/2001</td> <td>04265</td> <td>0021</td> <td>\$43,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>ADMINISTRATIVE DEED</td> <td>07/2001</td> <td>04151</td> <td>1691</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	01/2007	06561	1889	\$115,000	Vacant	Yes	WARRANTY DEED	06/2006	06330	1666	\$229,900	Vacant	Yes	WARRANTY DEED	09/2005	05966	1953	\$162,000	Vacant	Yes	WARRANTY DEED	10/2003	05100	1212	\$94,000	Vacant	Yes	WARRANTY DEED	02/2002	04692	0152	\$74,200	Vacant	No	WARRANTY DEED	12/2001	04265	0021	\$43,000	Vacant	Yes	ADMINISTRATIVE DEED	07/2001	04151	1691	\$100	Improved	No	<b>2006 VALUE SUMMARY</b> 2006 Tax Bill Amount: \$1,289 2006 Taxable Value: \$80,000 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS
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<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.          *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																																										







Approximate fence  
height and location







ATTN: Patty 407-665-7385

Darren C. and Terri L. Stevens  
500 S Pressview Ave  
Longwood, FL 32750



July 8, 2007

Seminole County Board of Adjustment  
Sanford, FL 32771

Re: 503 S Pressview Avenue – BV2007-71

We are writing in regard to the proposed variance at 503 S Pressview Avenue, wherein the resident seeks to construct a privacy fence running east/west along the south side of his property. We live across the street from the property and completely support the granting of the variance. We believe that the fence the resident intends to construct will be much more aesthetically pleasing than a chain link fence, which the resident could erect by right. Further, we use S Pressview Ave. to gain access to North St. and do not believe construction of a solid fence will obstruct the sight line for turning onto North St. whatsoever, since it will be behind the existing tree line. In fact, since the resident of 503 S Pressview Ave. began maintenance of the property, visibility has been much improved.

In conclusion, granting a variance to erect a fence such as the one that the resident of 503 S Pressview Ave. intends will only improve the aesthetics and value of the neighborhood, and in no way will hinder public safety.

Respectfully,  
  
  
Darren C. Stevens  
Terri L. Stevens

407-665-7385

BV 2007-71

**R. B.  
Atkins**

**ENTERPRISES, INC.**

R. B. Atkins Enterprises, Inc.  
2700 Westhall Lane, Suite 140  
Maitland, Florida 32751  
Phone: 407-875-8040 Fax: 407-875-1528

July 6, 2007

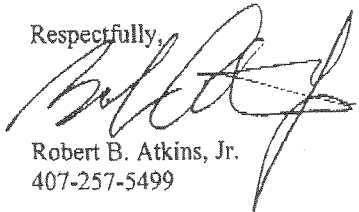
Seminole County Board of Adjustment  
Sanford, Florida 32771

Re: 503 Pressview Avenue – BV2007-71

I am a resident in the Rolling Hills area. My home is at 451 Victor Avenue, Longwood. I want to express my support for the request of Justin King under this application.

As a resident of this neighborhood, I would prefer to see a wood fence located between the house/structure and the existing tree line as compared to a chain link fence along the perimeter of the property. As such, I support his request for a 15' setback from the present 25' setback. It would be a shame to not utilize the screening that the existing trees provide to this property.

Respectfully,



Robert B. Atkins, Jr.  
407-257-5499



## **SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On July 23, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

PT OF LOT 1, DESC AS BEG 90 FT S OF NW COR RUN S 59.97 FT SELY ALONG CURVE  
39.30 FT E 134.97 FT N 90 FT W 132.40 FT S 5 FT W 27.50 FT TO BEG SANLANDO  
COUNTRY CLUB ESTATES PB 11 PG 55

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

### **FINDINGS OF FACT**

**Property Owner:** Justin King  
965 Victoria Terrace  
Altamonte Springs FL 32701

**Project Name:** Pressview Avenue (503)

#### **Requested Development Approval:**

Request for a side street setback variance from 25 feet to 15 feet for a proposed fence in R-1AA (Single Family Dwelling District).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Dori L. DeBord  
Planning & Development Director

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: